(1)

NO. 86-182

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1986

Supreme Court, U.S.
FILED
AUG 2 1986
JOSEPH F. SPANIOL, JR.
CLERK

EARLENE POLYAK — Appellant

vs

BUFORD EVANS & SONS — Appellees

ON APPEAL FROM THE
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

JURISDICTIONAL STATEMENT

EARLENE POLYAK
3179 Middlefield Drive
Trenton, Michigan 48183
(313) 676-3364

10 pp

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

QUESTIONS PRESENTED

I

Whether the Court of Appeals order affirming the remand of this case back to the State Court by the District Court denies rights secured and guaranteed pro se ligitant by the laws providing for equal civil rights and due process by the Constitution of the United States.

II

Whether the taking of Appellant's property without compensation is in violation of the taking clauses and due process, and unconstitutionally deprives her of property interest without just compensation.

III

Whether the dismissal of this case by the Court of Appealsaffirming denial of petition by District Court to hear denial of appeal by Trial Judge on Rule 5(a) is in violatiton of federal and state laws supporting appeal as a right.

IV

Whether the obligation to defend property right created by this complaint against wrong party is cruel and unusual punishment.

TABLE OF CONTENTS

	Page
Questions presented	i
Table of Authorities	iii
Parties to the proceedings	1
Opinions below	2
Jurisdiction	2
Constitutional Provisions	4
Statement of the Case	5
Reason I	13
Reason II	17
Reason III	18
Reason IV	19
Conclusion	20
Certificate of Service	21

TABLE OF AUTHORITIES

	Page
Aetna Cas. & Sur. Co v Flowers..... Tenn. 1947, 67 S.Ct 798 330 US 464, 91 L Ed. 1024	17
Detroit Police Lts. Ass v City of Detroit.... 597 F 2d at 568	15
Greyhound Lines Inc.,598 F2d 884.....	17
Lindsey v Norbert,405 US 56(1972).....	16
Johnson v Missippi, 421 US 213 222..... 1975	13
Smith v Winter, 717 F. 2d 191..... 194(5th Cir. 1983).	14
Noel v Cain, d38 F2d 633(6th Cir 1976).....	15
Miss v. Nebraska,164 US 403 17 S.CT.....	18
Romulus Community Schools 729 F2d 431..... (6th Cir 1984).	16
Smith v Winter, 717 F 2d 191 194..... (5th Cir. 1983).	14
Tuny v Ohio, 273 510 523 (1927).....	16

NO.

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1986

EARLENE POLYAK — Appellant

vs

BUFORD EVANS & SONS — Appellees

JURISDICTIONAL STATEMENT

PARTIES TO THE PROCEEDINGS

Appellant, Defendant below is Earlene Polyak, Appeal No. 85-6135, District Court No. 1:85-0120.

Appellees, Plaintiffs below are Buford Evans & Sons. This case joined to District Court Case No. 1:85-0116, Earlene Polyak v Jim Hamilton and the Circuit Court of Lawrence County, and it is on appeal in the United States Court of Appeals, No. 85-6134.

United States District Court Case Nos. 1:85-0125, Earlene Polyak v Thomas Stack, Henry Henry & Stack, and Earlene Polyak v William Boston, Bates & Holt, 3-85X-105, are joined to 1:85-0116. And all cases arise out of D.C. No. 1:84-0082.

OPINIONS BELOW

Th opinion of the Circuit Court of Lawrence County,Tennessee, is set forth in Appendix A. The opinion of the United States District Court, Middle District is set forth in Appendix B. And the opinion of the United States Court of Appeals, for the Sixth Circuit is set fort in Appendix C.

JURISDICTION

The order of the United States Court of Appeals for the Sixth Circuit was entered on March 7, 1986. The order denying Petition to Rehear was denied on May 12, 1986. The notice of appeal was received on June 6, 1986, and this jurisdictional statement is timely filed within sixty (60) days.

The jurisdiction of this Court is invoked pursuant to Article III, Sec. 2, which states that the judicial power shall extend to all cases of law and equity, between a State and citizens of another State;and between citizens of different States.

Appellant believes that this case is reviewable by appeal pursuant to 28 USC 1443(1& 2)

and 28 USC 1447(d). She believes the jurisdiction is also invoked under 42 USC Sec. 1981, 42 USC Sec. 1982, 42 USC 1983, Equal Access to Justice Act 1980, 60. 02 FRCP, and the Fifth, Eight, and Fourteenth Amendments. And 28 USC 1441(c).

The federal and constitutional questions were timely raised when her property was surveyed without her knowledge and permission, and appraisa expense part of just compensation under Fifth Amend

The denial of appeal as a right supported by the laws of the State of Tennessee and officer of the State unconstitutionally deprives Appellant of due process and is in violation of the Fifth and Fourteenth Amendments, which is improperly affirmed by the United States District and Court of Appeals.

Appellant believes that the taking of her property interest without due process and just compensation is in violation of the taking clauses of the Fifth and Fourteenth Amendments.

Appellant believes that she was subjected to cruel and unusual punishment in trial while acutely ill to protect property interest and in violation of the Eight Amendment.

CONSTITUTIONAL PROVISIONS

The pertinent portion of the Fifth Amendment

ovides as follows:

> No... person shall be deprived of life,liberty or property without due process of law;nor shall private property be taken for public use without just compensation.

S. Const. amend.V, cl 3&4.

The pertinent portion of the Eight Amendment

ovides as follows:

> ... nor excessive fines imposed, nor cruel and unusual punishment inflicted.

S. Const. Amend VIII cl.2& 3.

The pertinent portion of the Fourteenth

nendment provides as follows:

> No State shall make or enforce any law which shall abridge the priveleges or immunities of Citizens of the United States;Nor shal any State deprive any person of life, liberty or property without due process of law, nor deny any person within its jurisdiction the equal protection of tje laws.

S. Const. amend.XIV.

8 USC 1443 Any of the following civil actions... ommenced in a State Court may be removed by efendant to the district court...

> (1) Against any person who is denied or can not enforce in the Courts of such State a right under any law providing for equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof.
> (2) For any act under color of authority deprived from any law providing for equal rights...

2 U S C Sec. 1982 All citizens of in U S shall ave the same right in every State... to inherit ..hold and convey real and personal property.

STATEMENT OF THE CASE

This case arises out of Mr. Buford Evans & ons, Real Estate Auctioneer's survey of Appellant's roperty without her knowledge or permission. This roperty was divided by settlement by agreement nitiated by Frank Hulen and Wilma Lesnansky in 976, and Appellant has restored and maintained the ouse on her agreed partition of this property for retirement home at her own expense since thiat ate.

In 1982, Frank Hulen stated that he wanted the property sold so his kids could buy it, and he nd Wilma Lesnansky retained the attorney for the family since 1976, William Boston, Boston Bates & olt, and he divided his lolyalties and filed a complaint for sale without any compensation for ppellant's investment in restoration and maintenanc

Appellant relieved the first attorney when she uspected that he was trying to help sell her proper He sent her with a Real Estate Auctioneer to apprais the property and the Auctioneer explained that the roperty would be divided into three parts for le at Public Auction.

Appellant retained Thomas Stack, Henry Henry &
k, Pulaski,Tennessee to defend her interest in
retirement home, and he promised to try case for
ition in kind, which is supported by Tennessee
ute and Case Law. Mr. Stack stated that he wanted
0.00 for research and to go against his friends
awrenceburg. She informed Mr. Stack that Real
te Auctioneer had already appraised property and
ould probably save us money.

Mr. Evans alleges that Mr. Stack retained him
urvey her property, but the first knowledge that
had of Mr. Evans surveying was on July 28, 1983,
she met Mr. Stack in Pulaski. Appellant was
erately ill due to traveling against nationwide
ing against heart patients to stay in out of the
. She asked twice for the hearing to be delayed
llow her to get better, but Mr. Stack stated that
Stack absolutely refused. The temperature was
degrees in Tennessee.

The Honorable Jim Hamilton ordered the property
within two hours at a almost secret hearing,
h involved crossing county lines and against
nessee law, at a hearing conducted while the jury
out on another trial. Wilma Lesnansky signed

complaint, but did not testify and valuable information was withheld about the agreed division of the property in 1976, in which Frank Hulen was going to add acreage to the back of the house to his property, Wilma Lesnansky would add acreage to East and appellant would get 46 year old house and small acreage in front(see appellant's map App. p. 10).

On October 19, 1985, Thomas Stack signed the order prepared by Boston Bates & Holt and signed by William Boston, over her objections to him and Judge Hamilton. Mr. Stack had promised that he would not sign order, which stated that the proceeds the sale after all expenses incident to the sale including attorney fees would be divided equally except that the cost of this case will be decucted from the defendant's share of the proceeds(App.p.7). This order describes three different kinds of property and it appears to be have been taken from Mr. Evans' map of the property, in which the woods is over emphasized, and one area appears smoothe(App. P. 11). Appellant is aware of two bush areas and arieal map also shows map invalid(App. 12). Appellant is of the opinion that she is to pay for all of cost of case plus survey of property.

On December 19, 1983, Appellant suspected that Mr. Stack was not representing her best interest, and relieved him of his services. These suspicions were later confirmed when she found that he did not enter memorandum brief, evaluation of property, bills for the restoration and maintenance of property, or secure a transcript of the proceedings. She filed a complaint in the Circuit Court Case No 10612, Earlene Polyak v Thomas Stack Henry Henry & Stack and Earlene Polyak v. William Boston, Boston Bates & Holt No.10611, which she filed nonsuit on August 31, 1984(App. 25 26 27).

On July 26, 1983, Mr. Evans started suit against Appellant for survey fees, which Mr. Stack forwarded to her after the order of sale. Appellant did not agree or have any knowledge of Mr.Evans service prior to Mr Stack retaining him, and it appears that his case should be against Mr. Stack. On October 1, Appellant traveled th Tennessee to General Sessions Court to appear before the Honorable B. E. Bryant. He was not in Court but a young gentleman took his feet off the back of a bench, held Court, and showed deference to Mr. Evans and ruled in his favor. But he stated his order could be appealed in 10 days.

On October 10, 1984. Circuit Court Clerk, Gerald Wilson refused to allow Appellant to appeal until she rode a bus all night to appear personally. Mr. Wilson then refused to allow appeal until appellant admitted that she had additional property, and brought a copy of the deed to him. The trial was supposed to be in the April 1985 session, but Judge Hamilton notified Appellant on November 2, 1984 that she was to appear on December 26, 1984.

Appellant was desperately ill with heart problem and acute bronchitis and physicians had recommended that she go on to Florida to improve her health.

Judge Hamilton disregarded motion for continuance and ordered Appellant to trial. On December 20, 1984, she submitted a motion for Judge Hamilton to disqualify himself as she felt that his intense dislike for her interferred with his rendering justice in her case. Appellant was carried on pillows in the back of a car to Lawrenceburg for another almost secret trial as Court almost empty.

Judge Hamilton denied motion to disqualify himself and ordered Appellant to trial again(App. p. 20 - 24). Appellant believes he prejudiced the jury against her and her husband who is a member of another race. She

here are many examples in this transcript of the roceedings in evidence of his prejucicing this ury. Appellant waited for him to enter judgment o get set aside. But Judge Hamilton only entered udgment after Appellant submitted an application or permission to appeal to the Court of Appeals nd Supreme Court of Tennessee.

On August 7, Judge Hamilton signed judgment, nd amended judgment on August 22, 1985. Appellant ubmitted Notice of Appeal on August 29, 1985. On eptember 9,1985, the copy of the notice of appeal ubmitted to the Court of Appeals was returned, tating that as of August 15, 1984, it was no onger required to submit a copy of the notice of ppeal to the Court of Appeals(App. p. 31).

On October 1, 1985, Circuit Court Clerk closed his case(App. p. 32). Prior to this, on September , 1985, Appellant had submitted parts of record to e appealed and issues. Copy of Abstracted Transcript ad been submitted on April 24, 1985. Appellant's ppeal was properly before the Circuit Court(App.p.30).

On October 17, 1985, Judge Hamilton denied ppellant's motion for a Restraining Order against the ale of her porperty(see App. p. 33)

On November 7, 1985, Judge Hamilton denied motion to forward records to the Court of Appeals and denied appeal as a right which is supported by the laws of the State of Tennessee.

On December 7, 1985, appellant submitted complaint against Jim T. Hamilton, and the Circuit Court of Lawrence County Case No. 1:85-0116, and joined Buford Evans & Sons v. Earlene Polyak No. 1:85-0120m Earlene Polyak v William Boston Boston Bates & Holt No. 1-3x-105, Earlene Polyak v. Thomas Stack Henry Henry & Stack No 1:85-0125 in the United States District Court under 28 USC 1441(c)(see App. p. 36).

The Honorable Thomas A Wiseman dismissed Case No. 1:85-0116 wihtin five days of filing without oral argument or any kind of hearing, and enjoined appellant from filing further cases in the United States District Court, which she believes unconstitutionally deprives her of equal access to justice. Judge Wiseman dismissed this case without oral argument or any kind of hearing. Appellant appealed the the United States Court of Appeals for the Sixth Circuit on December 9, 1985(App p. 40). The District Court denied all of materials including bond submit

th petition. Counter-claim of $10,000.00 plus sts was denied and remanded case back to State urt, although joined under 28 USC 1441(c) and led under 28 USC 1443(1 & 2) and Diversity of tizenship.

Appellant appealed to the Court of Appeals at she had again been denied her rights guaranteed her by the laws providing for equal civil and nstitutional rights and in violation of the Fifth d Fourteenth Amendment.

Appellant had alredy been given extension of me to file brief due to health problems and s starting brief, when she received copy of letter om Mr. Evans'attorney, Larry Brandon verifying a greement about this case with Mrs Yvonne Henderson, se Supervisor. This case was dismissed without tice after letter on February 21, 1986, on March 7, 986. Mrs Henderson did allow Petition to Rehear, t it appears from order that petition was not nsidered(App. p 43 44).

On June 5, 1986, Appellant submitted Notice of peal to the United States Court of Appeals, and it s received June 6, 1986.

REASONS WHY APPEAL SHOULD BE HEARD

1. The United States Court of Appeals improperly dismissed this case affirming the remand of the United States District back to the State Court and denies pro se ligitant rights secured and gurarantted by the laws providing for equal civil rights and due process and in conflict with the rulings of the Supreme Court.

Appellant petitioned the United States District Court to remove case in which she had been denied by state court proceedings her rights secured and guaranteed to her by laws providing for equal civil rights of citizens of the United States by the Constituion. When State Court Trial Judge denied motion to forward the records to the Court of Appeals for appeal of judgment in which she believed the Trial Judge prejudiced the decision maker, Appellant filed complaint in the District Court No. 1:85-0116, Earlene Polyak v Jim T. Hamilton and the Circuit Court of Lawrence County and joined the above case, Buford Evans & Sons v Earlene Polyak No. 1: 85-0120, under 28 USC 1441(c)."

> Whenever a separate and independent claim or cause of action... is joined with one or more otherwise non-removable claims or causes of action the entire case may be removed and the District may determine all issues therein...

This case was joined as the best of pro se Appellant's ability as she is not a lawyer and does

not have legal knowledge and expertise(see App.p.36). All of the necessary materials were included with the petition including bond, but were denied in the decision forwarded to the Court of Appeals, and the record was never forwarded according to mandate.

This case was dismissed without motion in the Court of Appeals after conservation between Evans' lawyer and Case Supervisor(see App. 43). Although Supervisor allowed petition to rehear, it does not appear to have been considered by panel(seeApp43-45).

This case meets the two pronged test of 28 USC 1443, which allows for appeal of Civil rights of an order remanding case back to State28 USC 1447(d).

> "... except that an order remanding a case to the State Court from which it was removed pursuant to Sec. 1443 shall be reviewable by appeal or otherwise.

And cases, Johnson v Missippi,421 US 213 222(1975). Smith v Winter,717 F. 2d 191 194(5th Cir. 1983). Appellant's husband of 28 years is said to be of another race, and she does not share the local prejudice of her brother and sister, but she is aware of of the existance of these prejudices, and their lawyer William Boston has identified Appellant as a nonresident, and his son Edward Boston has written one appeal, which may have prejudiced Court,

Appellant contends that Mr. Evans map was an invalid representation of the property in that the area is not smoothe, woods are over emphasized and it does not conform to initial agreement between co-tenants for division(see App 10 11 12). It appears to have been used by the Trial Judge in his order to sell the property(see App.p.7). Judge Hamilton is a state official, Detroit Police Lts. & Sgts. Ass'n v City of Detroit, 597 F 2d at 568. It also appears that the Honorable Jim Hamilton used the amended Rule 5(a) to deny forwarding the forwarding of record for appeal as law of state(see App. p. 31). And removal is proper under 1443(2) and completes two pronged test, and the one exceptio provided in 1447(d) provided for removal to District Court, Noel v Cain, d38 F2d 633(6th Cir. 1976). She contends that invalid map may be cause for 60.02 FRAP, to waive any other time requirements, with diversity of citizenship, and orginal jurisdiction.

This is the second case, which Appellant allege is an attempt to take her property without due process as supported by the Supreme Court. Th case arises out of Frank Hulen and Wilma Lesnansky v. Earlene Polyak, Chancery Court Case No. 1974,

istrict Case No. 1: 84-0082(Appeal No. 84-6090,
nd D.C. No.1:84-0083(Appeal No. 85-5032/5101/
147, Supreme Court No. 85-1975 on appeal and
rit of certoriorari involving property in Chancery
ourt of Lawrence County, Tennessee

On October 10, 1984, the Circuit Court Clerk
efused to allow Appellant to appeal this case
ntil she went to the County Court Clerk and
rought him a copy of the deed to this additional
orty acres of property, and case denied appeal.

> The Supreme Court has ... recognized due process requirements are implicated whenever an enforcement power of a government is employed to deprive an individual of an interest deprived from common law in peaceful possession Lindsey v Norbert,405 US 56(1972) of real or personal property... or property is taken to meet a need ... or ... benefit o an individual.
>
> And, " the assurance of a fair hearing before a "neutral magriatrate"who has no direct' personal, substantial interest in reaching a conclusion against him in his case. Tuny v Ohio,273 US 510 523(1927).
>
> In remanding case,
>
> district court did not and could not have relied on statute providing for remand whenever a separate an independently removable claim or cause of action, where not only all claims arise from the same acts of the defendants, but also sought redress of action. 28USC 1441(c) Romulus Community Schools, 729 F2d 431(6th Cir 1984).

Appellant contends that all claims are

separate and independently removable claims, joined with removable claim or cause, and all claims arise out of, in her opinion, the taking of her properties for sale at Public Auction.

> And some of the cases imply that permitting remand of pendent state claims denies defendan the protection of the removal statute and encourages manipulative dismissals. In Re. Greyhound Lines Inc. , 598 F2d 884.

This Court has jurisdiction to review remand and set aside judgment of Trial Judge for New Tria

> ... but Supreme Court may review actions of Circuit Court of Appeals directing a remand to a state court, and Supreme's Court's jurisdiction is not defeated because mandate of Circuit Court of Appeals has issued. Aetna Cas. & Sur. Co v Flowers,Tenn. 1947, 67 S.CT 798330 US 464, 91 L Ed. 1024.

II. The taking of property without compensati is in violation of the taking clauses of the Fifth and Fourteenth Amendments and unconstitutionally deprives Appellant of interest in retirement home without just compensation, and appraisal may be part of just compensation.

Appellant was not awarded any compensation in the order to sell property by Judge Hamilton(see App. item 4 . p. 7). And he signed nonsuits in Circuit Court Case Nos. 10611, and 10612 denying he objection to the sale of her property in Chancery Court(see 25 26 28). Appellant believes that Judge Hamilton prejudiced the jury in this case involving

her property(see Trans.p. 21 22 23).

> Taking of state of private property of one person or coorporation without owner's consent for private use of another, is not due process of law and is in violation of the Fourteenth Amendment of Constitution of United States. Miss. P.R. v Nebraska(1869) 164 US 403 17 S. Ct.

This is this the third case in which Appellant believes her property is being taken and involving expenses and damages to her, and she has not been awarded any conpensation, ... expenses for appraisal of the landowner and court costs... as a part of"just compensation" required by the Fifth Amendment, 59 L Ed 257.

III. The dismissal by the Court of Appeals affirming denial of the District Court for petition to hear denial of appeal by the Trial Judge on Rule (a) is in violation of federal and state laws supporting appeal as a right.

The Court of appeals affirms the denial of petition to hear case by District Court denying Appeal as a right supported by Tennessee.

Appellant contends that Trial Judge used the amendment of Rule 5(a) to discrimte as to who can appeal(see App. 31). She believes the Circuit Court Clerk is allowed to discriminate by forwarding appeal to the Court of Appeals against Rule 3(a) In civil actions every final judgment entered

by a trial court from which an appeal lies to the Supreme Court or Court of Appeals is appealable as a right.Tennessee Rules of Civil Procedure.

IV. The obligation to defend right to property while acutely ill, without preparation, and after request for continuance and that Trial Judge disqualify himself is cruel and unusual punishment and judgment should be set aside with just compensatio

Appellant was obligated to travel in the back of the seat of a car on pillows due to illness to try to defend her right to her property. She submitted a motion for a continuance, and after Judge Hamilton disregarded her motion supported by physicians statements, Appellant submitted a motion that he disqualify himself from all of her cases in Lawrence County(see App 17 18). Judge Hamilton disregarded all orders motions and requests Appellant submitted to the Court.

Mr Evans surveyed Appellant's property with out her knowledge or permission. She believes that his suit should have been against Thomas Stack, and that she has been unjustly obligated to defend her right to her property in the Courts of Tenness United States District Court, United States Court of appeals and appeals to the Supreme Court of

for justice. She requests that counter-claim of $1475.00 and all of the costs of these appeals be paid by Mr. Evans.

CONCLUSION

Appellant prays that this Honorable Court hear her appeal, or in the alternative order judgment set aside and order New Trial.

On the 25th day of July, 1986.

Respectfully submitted,

Earlene Polyak
3179 Middlefield Drive
Trenton, Michigan 48183
(313) 676-3364

CERTIFICATE OF SERVICE

I certify that a true and exact copy of this appeal has been mailed First Class Postage prepaid, to the Court of Appeals, Cincinnati, Ohio 45202, District Court, Nashville, Tennessee 37203, and Mr. Larry Brandon, Mufreesboro, Tennessee 37133.

Earlene Polyak

STATE OF MICHIGAN
COUNTY OF WAYNE

I certify that the above information is true and correct to the best of my knowledge.

Earlene Polyak

My comission expires April 15, 1990

Enid C. Hammond
Notary Public

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
Civil Appeal Pre-Argument Statement

BUFORD EVANS & SONS
Plaintiff/Appellee

vs

EARLENE POLYAK
Defendant/Appellant

District: Middle
Judge: Wiseman
Date Appeal filed: 12/10/85
cross Appeal: X yes

Appellant: Earlene Polyak
3179 Middlefield Dr.
Trenton, Mi. 48183
(313) 676-3364

Appellee: Larry Brandon
P.O. Box 5065
Mufreesboro, Tennessee 37133
(305) 672-3564

X
Denial of right to appeal

Damages
$ 10475.00 and costs

Nature of Suit

X Diversity

X Real Property

Note:
This petition was submitted as a cross-appeal. Mr Evans surveyed Appellant's property without her knowledge or permission, and she is asking damages for costs and inconviences ,and pain and suffering, caused by his unjustly filing complaint against the wrong person.

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Civil Appeal Pre-Argument Statement

BUFORD EVANS & SONS Plaintiff/Appellee	District Middle	Judge Wiseman
vs	Date Appeal filed 12/10/85	cross Appeal X yes
EARLENE POLYAK Defendant/Appellant		

Appellant	Earlene Polyak 3179 Middlefield Dr. Trenton, Mi. 48183	(313) 676-3364
Appellee	Larry Brandon P.O. Box 5065 Mufreesboro, Tennessee 37333	(305) 672-3564

X Denial of right to appeal	Damages $ 10475.00 and costs

Nature of Suit

X Diversity

X Real Property

Note:
This petition was submitted as a cross-appeal. Mr Evans surveyed Appellant's property without her knowledge or permission, and she is asking damages for costs and inconviences ,and pain and suffering, caused by his unjustly filing complaint against the wrong person.

APPENDIX A

In the Circuit Court of Lawrence County, ennessee.

Buford Evans & Sons , Plaintiff v Earlene olyak, Defendant, Case No. 10647.

Hearing in General Secessions Court on October1, 984, appealed to Circuit Court on October 10,1984. ircuit Court Clerk refused to allow appeal until efendant went to County Court Clerk and brought ack a copy of the deed to additional forty (40) cres of land. Jury trial scheduled for April ession of Court in 1985.

Trial set for December 26, 1984, by the onorable Jim Hamilton.

Presiding: Jim Hamilton

Motion for forty-five (45) day continuance enied on December 26, 1984.

Motion for Judge Hamilton to disqualify him-elf denied on December 26, 1984.

Judgment entered on August 7, 1985.

Amended Judgment signed by Judge Hamilton on ugust 22, 1985.

Judgment and Amended Judgment appealed to the ourt of Appeals of Tennessee, on August 29, 1985.

Copy of notice of appeal returned with letter stating Rule 5(a) amended on August 15, 1984, and no longer to send copy of n tice of appeal to the Court of Appeals, on September 9, 1984.

Motion to forward records to the Court of Appeals for appeal submitted to Circuit Court on November 1, 1984.

Received letter from Circuit Court Clerk, Gerald Wilson on November 2, 1984, case closed.

Motion to forward records to the Court of Appeals denied on November 7, 1984, signed by Jim T. Hamilton Circuit Judge.

FACTUAL BACKGROUND

This case arises out of the plan to take property already settled by agreement in 1976, initiated by Frank Hulen and Wilma Lesnansky v Earlene Polyak, Chancery Court Case No. 1974, located in the 14th Civil District of Lawrence County, Tennessee. As a result of this settlement by agreement, Earlene Polyak and her husband, Alex Polyak has restored and maintained the house on her agreed partition at their own expense for a retirement home to this date.

In 1982, Frank Hulen stated that he wanted the property sold so his kids could buy it, and Wilma Lesnansky joined him. They did not offer any compensation for restoration and investment in retirement home before taking the property to be sold at Public Auction. They retained William Boston, Boston Bates & Holt, who divided his loyalties and filed a complaint to sell property.

Defendant was obligated to retain Thomas Stack, Henry Henry & Stack, who promised to defend her right to her retirement home, restoration , and investment in the property. Mr. Stack stated that he needed $1500.00 for research and to go against his friends in Lawrenceburg. He was able to get the tentative hearing scheduled by William Boston for July 15, 1983, scheduled for July 29, 1983.Prior to retaining Mr. Stack, the Honorable Jim Hamilton disregarded Defendant's request for a thirty day extension to allow her to find an attorney. Judge Hamilton sent a stating that Defendant should "let him know who would represent her at this hearing.

Plaintiff, Mr. Buford Evans alleges that Mr. Stack retained him to survey Defendant's property.

She did not give Mr. Evans permission to survey her property, and her first knowledge of this survey was when Mr. Stack stated at the initial meeting with him in the Courthouse in Pulaski, Tennessee, which lasted about twent minutes, that Mr. Evans was out measuring the farm on July 28, 1983.

Defendant was very ill as a result of traveling from Michigan in heat wave of 102 degrees against nationwide warning against heart patients being exposed, and had asked for hearing to be rescheduled and asked again on the morning of July 29, 1983, for hearing to be rescheduled to allow her to get better but Mr. Stack stated that "Mr. Boston absolutely refused to reschedule hearing."

The Honorable Jim Hamilton ordered property sold within two hours, while jury out on another trial. Hearing was conducted in Maury County, when complaint filed in Lawrence, across lines and against Tennessee law. Complainant Wilma Lesnansky did not testify, or come to hearing, and information about settlement by agreement withheld from record. Plaintiff's had agreement with Mr. Boston about court costs not to exceed $500. and deny encumberance

CHANCERY COURT OF LAWRENCE COUNTY, TENNESSEE

FRANK HULEN and
WILMA LESNANSKY,
both citizens and
residents of Lawrence
County, Tennessee
PLAINTIFFS

VS CIVIL ACTION NO. 1974

EARLINE POLYAK, a
non-resident presently
residing at 3179 Middlefield Drive
Trenton, Michigan 48183
DEFENDANT

C O M P L A I N T

Plaintiffs would respectfully state and show this Honorable Court the following:

That Rena Ann Hulen died intestate on or about the 9th day of January 1976: that at the time of her death she was a some 84 years of age and a permmnate resident of Lawrence County, Tennessee; and that she died seized and possed of a tract of land situated, lying and being in the 14th Civil District of Lawrence County Tennessee... and there are no known encumberancesos of the date of her death on said tract known to plaintiffs, and if there are nay encumberances upon said tract since her death , such is unknown to the plaintiffs.

.....

THIS IS THE FIRST APPLICATION FOR EXTRAORDINARY PROCESS IN THIS CAUSE.

Signed Frank Hulen
Frank Hulen

Signed Wilma Lesnansky
Wilma Lesnansky

Sworn and suscribed before me
this 19 day of April 1983.
Signed Gail Hughes N.P.
My comission expires: 1-11-86

WILLIAM BOSTON
BOSTON BATES & HOLT

ATTORNEYS FOR PLAINTIFFS
235 Waterloo Street
P.O. Box 357
Lawrenceburg, Tennessee 38464

- 3 -

We absolutely ____ land for the Cst of Imp not to Exceed 500/oo

Signed Frank Hulen
Signed William Boston

It appears from the above agreement on the bottom of the complaint page 3, that the improvemen of the property by Defendant would not exceed $500 the Plaintiffs.

The order to sell the property was perpared by William Boston, Boston, Bates & Holt, and signed by William Boston, Thomas Stack and Judge Hamilton. Defendant called Judge Hamilton at his office in Mt.Pleasant, Tennessee on 19, 1983, and complained that she did not agree to Mr. Stack signing this order, but Judge Hamilton disregarded her objections and signed order on the same day.

The taxpayer's copy of 1983, Property Reicpt No. 500-83-07353, Mrs. Rena Ann Hulen, Summertown, Tennessee, shows an improved value of $8100.00. Defendant is the only person who has invested any improvements in this property. This hearing was almost secret and it appears facts are covered

as follows:

CHANCERY COURT OF LAWRENCE COUNTY, TENNESSEE

FRANK HULEN ET AL
Plaintiffs

VS CIVIL ACTION NO. 1974

EARLENE POLYAK
Defendant

ORDER

This cause came on to be heard this the 29th day of July 1983, before the Honorable Jim T. Hamilton, Judge Part II of the Circuit and Chancery Court in Lawrence County, Tennessee, while holding Chancery Court for Lawrence County, Tennessee, upon complaint hereto filed in this cause, the Answer thereto, the testimony of witness in open Court, and the entire record in this cause, whereas at the conclusion of which defendant's attorneys were granted the privilege of presenting a brief to the Court within a reasonable time, after the conclusion of which the court found in memo dated August 11, 1983, the following findings:

1. That the property in question consists of approximately 40 acres, which belonged to the parties mother.

2.That the property cannot be partitioned in kind as there are three distinctly different types of property within the 40 acres. One portion of the property includes the home place, well and barn, another portion contains woods and is a low lying wet area, and the remaining portion consists of level flat land which is suitable for raising crops.

3. The Court finds there is noway to divide this land equally between these heirs, without selling said property and dividing the proceeds.

4. The proceeds of this sale after payment of all expenses incident to sale, including attorney fees will be divided equally between the heirs, except that the cost of this case shall be deducted from the defendant's share of said proceeds.

5. This sale shall be conducted by Eualn Hooper unless the parties agree on another real estate company.

All of which is therefore, ORDERED AND DECREED by the Court.

This the 19th day of Oct. 1983.

Signed Jim T. Hamilton
Jim T. Hamilton, Circuit

APPROVED FOR ENTRY:
BOSTON BATES & HOLT

Signed William Boston
ATTORNEYS FOR PLAINTIFFS
Signed Thamas Stack
ATTORNEY FOR DEFENDANT

On December 19, 1983, Defendant raised the constitutional question by stating that she had been subjected to an unjust and unfair hearing and demanded a New Trial and submitted motion for amendment or alteration of judgment to allow compensation for monies before the idstribution of the proceeds for the restoration and maintenance of retirement home. Defendant has suspected for some time that Mr. Stack was not reprssenting her best interest and relieved him of his services.

After Defendant relieved Mr. Stack of his services she found that her suspicions were well founded she learned that he did not enter the memorandum brief, evaluation of the property prepared by Mr. Evans, bills for the restoration and maintenance of the property since 1976, and secure a transcript of the proceedings. She found the

evaluation prepared by Mr. Evans with three parts of equal value:

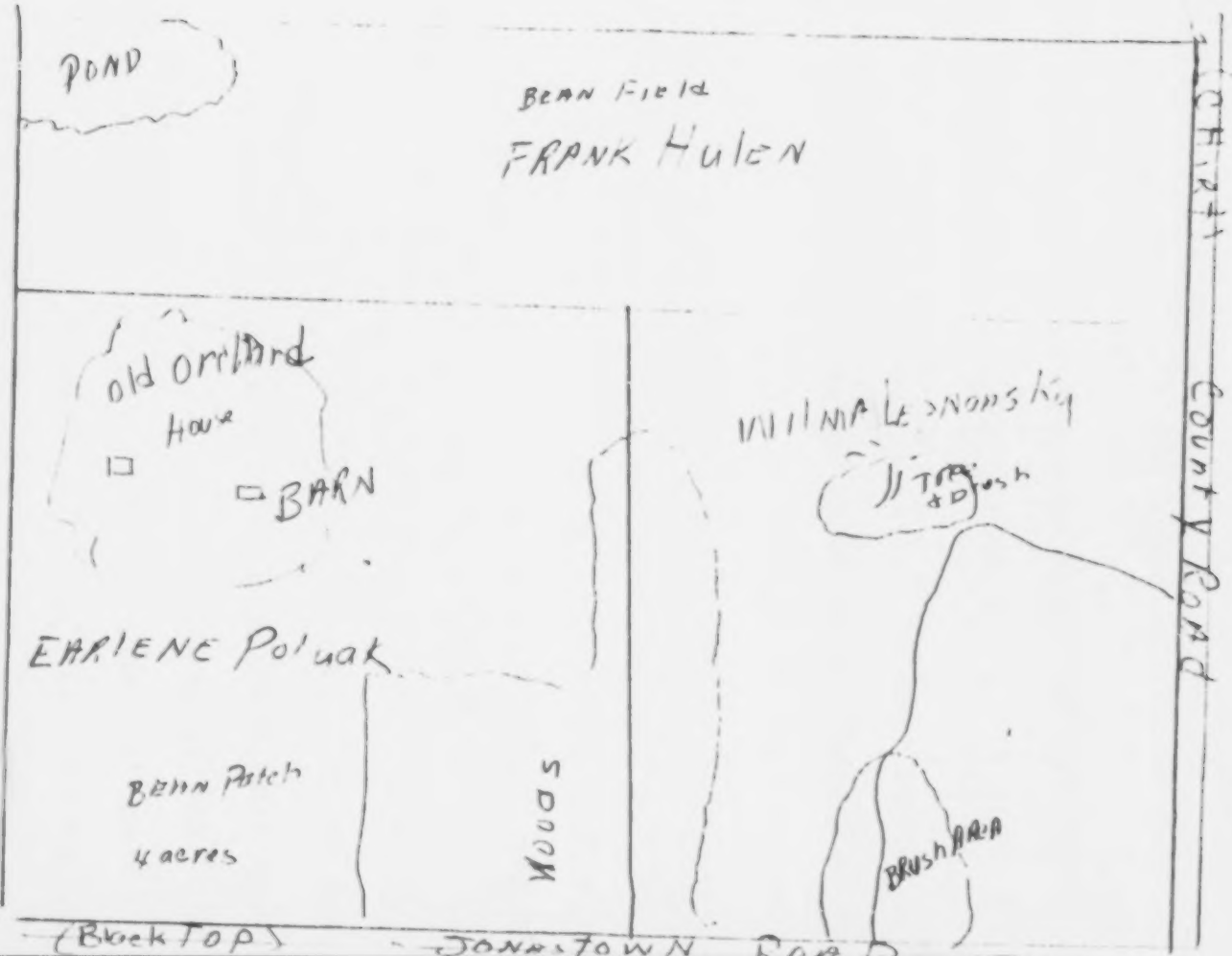
Total land value.....$33,690.00
Total value of dwelling..... 6,330.00

The simplest and probably most equitable way to divide land in kind was to divide the land and the buildings separate. The person getting the buildings would pay the other two 1/3 of the value of the buildings.

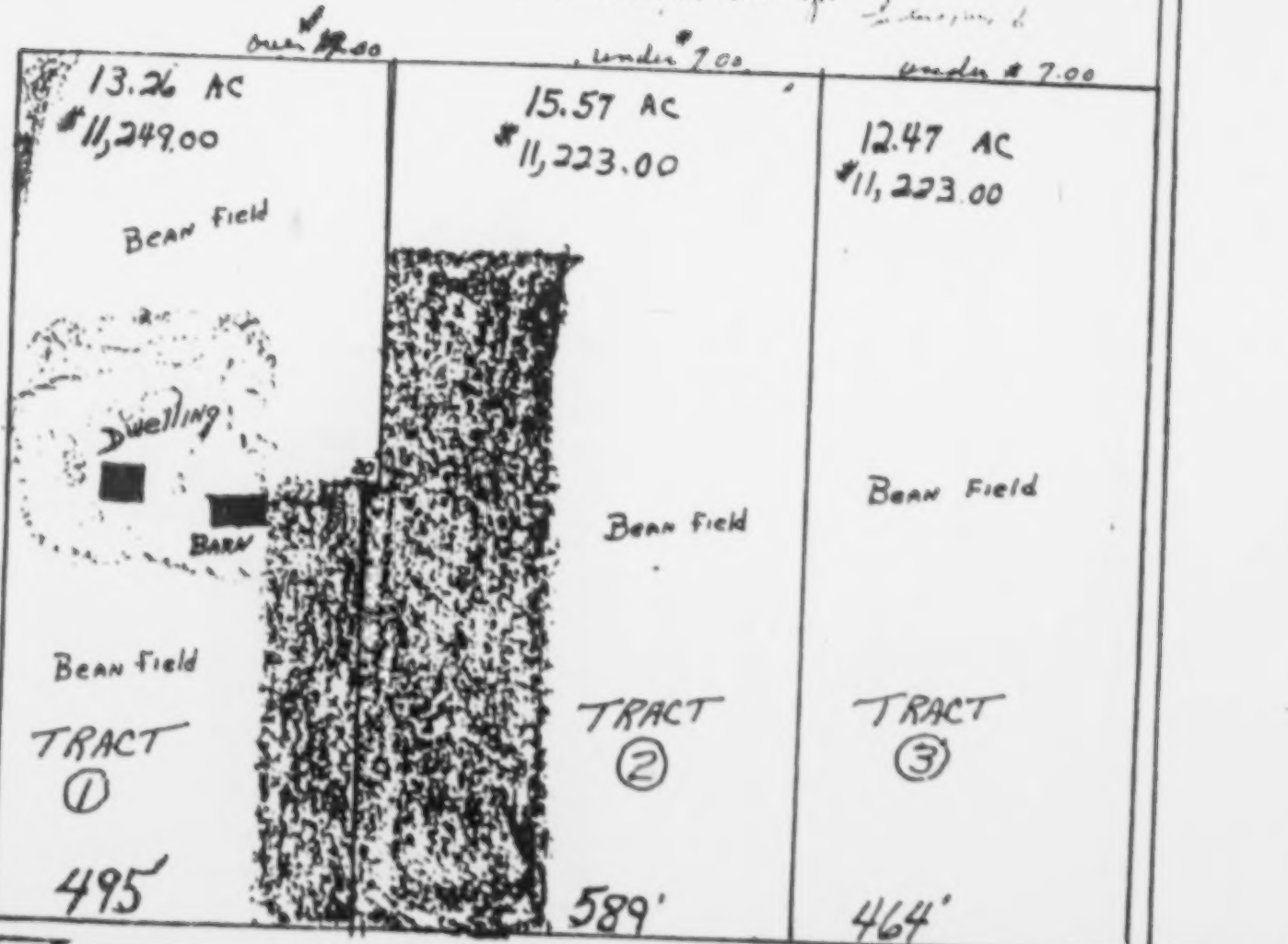
TO RESTORE THE HOME would not be a major undertaking to remove all of the inside paper from the walls and sheet rock over wood ceiling ir repaper. The floors would be sanded into a beatiful floor or place carpet over them. Repaint the wood inside and out.

Defendant also found ariel map and a hand drawn map, which appears to be prepared by Mr. Evans. She noticed a correlation between item No. 2, of the findings supporting the reasons the property could not be divided in the Order of October 19, 1983, and the hand drawn map of the property. Defendant has observed property and finds third portion (3) has one large area of tree and large brush area, and another large brush area around middle terrace. All of area is terraced to drain and created wet area.

Property was not divided as to agreement and could be used for sale at Public Auction as it is custon to divide then sell as a whole. Maps follow:


POND
BEAN FIELD
FRANK HULEN
OLD ORCHARD
HOUSE
BARN
EARLENE POLUAK
BEAN PATCH
4 acres
WOODS
WILMA LEONOWICZ
BRUSH AREA
(BLACKTOP)
JONESTOWN
COUNTY ROAD

30
42.5AC.
32
42.5AC.
31
3101


13.26 AC
$11,249.00
15.57 AC
$11,223.00
12.47 AC
$11,223.00
Bean Field
Dwelling
Barn
Bean Field
Bean Field
Bean Field
TRACT
①
TRACT
②
TRACT
③
495
589'
464'

Judge Hamilton overruled Defand's motion for a new trial and Amendment or Alteration of judgment to award Defendant from the proceeds prior to distribution for the restoration and maintenance of retirement home on December 19, 1983. Judge Hamilron instructed Defendant to appeal his dicision within ninety(90) days, and instructed Mr. Boston to prepare the judgment. The judgment prepared by Boston Bates & Holt and signed by Charles Holt has been deemed unappealable by the Court of Appeals of Tennessee. It is as follows:

JUDGMENT

This cause came on to be heard on the 19th day of December, 1983, before the Honorable Jim T. Hamilton, Judge, upon this day filed by the defendant, personally and in her own behalf, statement and argument by the defendant Earlene Polyak, in her own behalf,from all of which the Court finds no merit, and said Motion is here and now overruled in its entirety. Judgment is signed by Charles Holt, Boston Bates & Holt and Judge Hamilton and entered on December 20, 1983.

ORDER

This cause came to be heard on this the 19th day of December 1983, before the Honorable Jim T. Hamilton, Judge Part II of the Circuit and Chancery Courts of Lawrence County, Tennessee on the motion for a new trial of amendment of of judgment of the order previously filed herin by the Defendant Earlene Polyak by and through her counsel of record, Henry Henry & Stack, and upon the oral motion of Earlene Polyakto be allowed to represent pro se, and that Henry Henry & Stack be relieved as counsel and further aforementioned motion not be

not be heard in this Court. IT IS THEREFORE ORDERED Henry Henry & Stack are relieved as counsel in this causeand that aforementioned Motion for a New Trial etc. be and here by dismissed. This order was signed by Thomas Stack William Boston and Judge Hamilton and entered on January 10, 1984.

Defendant found the above order in the materials Mr. Stack returned. She heard Judge Hamilton instruct Mr. Stack that the Court would prepare an order allowing him to withdraw from Defendant's case before she argued her own motions before Judge Hamilton on December 19, 1984. Mr. Stack prepared this order without Defendant's knowledge after his dismissal from her case. Defendant argued order invalid, but the Court of Appeals of Tennessee maintained that his order, instead of judgment should have been appealed.

On April 26, 1984, dismissing appeal and appeal has never been heard in this case. The pertinent part of order follows:

> And it appearing from the record that appellant's motion to alter and amend was heard on December 19, 1983, that on January 3, 1984, appellant filed a notice of appeal from the final judgment entered on December 20, 1983, but the order overruling appellant's motion to alter or amend was not entered until January 10, 1984.
> ... and it appearing that the judgment from which appeal was sought is not a final judgment appealable as a right under TRAP Rule 3 in that said judgment orders sale of

property but does not confirm any sale or transfer title.

IT IS THEREFORE ORDERED that this appeal be and hereby dismissed at the cost to the appellant without prejudice to review of any and all actions of the Trial court by appeal prosecuted from final judgment.

Defendant believes that this order allowing the sale of her retirement home without any compensation for the restoration and maintainence unconstitutionally deprives her of her property interest without due process and just compensation. And that she suffere irreparabled damage and the loss of a right to never be regained to her property.

On October 1, 1984, Defendant appeared in the Circuit Court of Lawrence County to defend her right to her property. Mr. Evans sued for the survey which was conducted without her knowledge or permission. The hand drawn map, which showed a correlation to the order to sell, appeared to be a map that could be used to sell the property at Public Auction, as it is the custom to sell in parts an then as a whole.

Defendant was not given any compensation for the restoration and maintenance of her retirement

home, the Trial Judge ordered her to pay cost of case for Plaintiffs without just compensation the Court of Appeals denied due process and just compenstation, and Defendant assumed that she was further denied right to money form property by paying for the survey of this property for sale at Public Auction.

The Honorable B. E. Bryant was not in Court on October 1, 1984, but a young gentleman took his feet off of the back of a bench and conducted Court. He addressed Mr. Evans with deference and found in his favor. But stated that the order to pay cost of survey could be appealed within 10 days.

When Defendant tried to appeal with Notice of Appeal and check for $600.00 Bond by mail, the Circuit Court Clerk, Gerald Wilson demanded that she appeal in person, and she rode a bus all night to meet the deadline, which caused pain and suffering with her health problems. Mr. Wilson refused to allow Defendant to appeal until she went to the County Court Clerk and brought back a copy of the deed to and additional forty (40) acres of property, after she admitted to

him that she did own more property in Lawrence County. Defendant scheduled jury trial, which was to be held in April session of Court in 1985.

On November 2, 1984, Defendant received a letter from the Circuit Court Clerk stating that Judge Hamilton scheduled trial for December 26, 1984, which was followed by a telephone call. Defendant stated that she was acutely ill with heart and broncial condition and was preparing request for continuance as physician had already recommended that she go on to Florida in hopes health would improve in warm climate. She requested continuance on December 7, 1984, with affidavit and physician's statement. Request for continuance:

IN THE CIRCUIT COURT
FOR
LAWRENCE COUNTY, TENNESSEE

BUFORD EVANS
Plaintiff

VS

Appeal No. 10647
General Sessions No. 7196

EARLENE POLYAK
Defendant

REQUEST FOR CONTINUANCE

Defendant Earlene Polyak, requests a forty-five day continuance to the above styled case on the jury docket for December 26, 1984, at 9:00A.M. This request is necessary because of the extreme burden her appearance in Trial Court would place

on her health at this time. Defendant's physician is preparing a letter which will be enclosed with this request. She also encloses Affidavit as to the status of her health at this time.

Signed Earlene Polyak
Earlene Polyak
3179 Middlefield Drive
Trenton, Michigan 48183
(313)676-3364

Date: December 5, 1984

Defendant needed further medication upon arriving in Florida, and required treatment for broncial condition and eyes. She kept calling the Court to find out if the Continuance had been granted, and finally was allowed to talk to Judge Hamilton. He ordered her to Court on December 26, 1984.Defendant submitted a Motion for Disqualification on December 20, 1984, with Affidavit. Motion follows:

IN THE CIRCUIT COURT
FOR
LAWRENCE COUNTY, TENNESSEE

BUFORD EVANS
Plaintiff

VS

Appeal No. 10647
General Sessions No.7196

EARLENE POLYAK

Defendant

MOTION FOR DISQUALIFICATION

Defendant Earlene Polyak, move that the Honorable Jim Hamilton disqualify himself from the above styled case and all cases in the Chancery and Circuit Court of Lawrence County involving the defendant, due to the unfavorable opinions

formed without consideration of said defendant, and apparent dislike, which may result in injury to her health.

Defendant was informed by the Court Clerk that the Jury Trial which she requested to the above styled appeal would be held in April, 1985. She was informed that the Honorable Jim Hamilton scheduled this trial for December 26, 1984. Defendant requested continuance on December 7, 1984, submitted with a statement from her heart specialist, and an Affidavit as to the status of her health. On December 20, 1984, defendant contacted Judge Hamilton agains requesting Order for continuance due to further difficulties with her health, and he refused.

Judge Hamilton has never granted any orders, Motions, or petitions submitted to the Court by the defendant.He is awared of defendant's health and the fact that she will have to travel December 24 and 25, to appear in Court December 26, 1984, which will damage and injure her health and ability to defend her legal rights and claims.

By Signed Earlene Polyak
Earlene Polyak
4063 Hood Road
Lake Park, Florida 33410

Date:December 20, 1984
Notorized by Notary public

Defendant's husband obligated to come by airplane to Florida, and he and her son drove 900 miles with defendant on back seat of car on pillows to Lawrenceburg, Tennessee for trial. She had not expected to go to trial, she did not have time to look for lawyer, and obligated to try to defend by relying on oxygen and numerous medications. She was too ill to even review notes. Defendant did retain local Court Reporter for transcript of

proceedings:

THE CIRCUIT COURT OF LAWRENCE COUNTY
LAWRENCEBURG, TENNESSEE
HON. JIM T. HAMILTON, PRESIDING

BUFORD EVANS
Plaintiff
VERSUS
EARLENE POLYAK
Defendant

JURY TRIAL
Reporter's Partial Transcript
December 26, 1984

APPEARANCES FOR COUNSEL:
For Plaintiff — Larry Douglas Brandon
320 East Main Street
Murfreesboro, Tennessee
615-890-8517 37130

For Defendant — In Propria Persona

JAMES LEONARD HOBBY
Court and Deposition Reporter
355 Holly Grove Road
Lewisburg, Tennessee 37091
(615)359-4455

Defendant ordered parts of the above transcript which describe the prejudice she believes Judge Hamilton displayed toward her to prejudice the decision maker. Judge Hamilton denied Motion to Disqualify himself over Defendant's objections and ordered her to trial for the third time without any p paration.

Evans v. Polyak pages 4 5 6
MRS. POLYAK: ... I have requested a continuance... My doctor, Dr. Delfan Santos...
Her diagnosis is as follows:coronary artery disease

unstable angina, lung atelectsis, which affects her ability to perform even basic duties.

Patient is on several medications for her condition. Because of patients multiple health problems and acute arthritis, we recommend the patient to seek a warmer climate.

.... When I was in Florida, Dr. Herman said, Mrs Polyak is in poor health with cardiac problems necessitating immediate medication.

I called several times to tell you that I have another doctor down there. I had another arthritic attack there. My eyes, I could not see.

I came here with --my son and my husband brought me in the back seat of a car on pillows and I have been in a motel all day, and I took Oxygen, last night to be here.

And I think this is harrassment to bring me here, today, in my state of health and against the Constitution, in which it says the eight ... that we should not be inflicted with cruel and unusual punishment, and I think it is unusual punishment for my health to be here today.

THE COURT: All right, since we have the jury here...

MRS POLYAK: Your Honor, I have already listened to the jury in the hallway. I understand they are tired and they don't want to be here, because its Christmas. I understand this jury has been coming in quite a while. I already feel their hostility toward being here.

THE COURT: Well,

MRS.POLYAK: and I want to put this on record.

THE COURT: Well, you've got it on record... I am going to overrule your motion asking me to disqualify myself. I'm going to overrule that motion.....

Evans v Polyak 35 36 37

Thomas Stack testifies against Defendant(former attorney. Plaintiff believes Judge prejudiced
Q. Didn't I put my own notice of appeal in on November 14, 1984? You had not appealed case
MR. STACK: Your, Honor--

THE COURT: Mrs. Polyak I am going to interrupt you, here, and I'm going to make a statement to this Jury concerning that aspect, although it is irrevelant to this case. I don't know the exact dates but I will tell this jury that M. Stack appeared in my Court. He had filed a motion for a new trial ... He appeared in my Court on the day that he was to appear to argue motion, before me ,seeking for me to change my mind and grant new trial.

Prior to that argument, Mrs Polyak appeared there and asked me to allow her to relieve Mr. Stack from any further representation...

I then allowed Mrs. Polyak to file her own motion, which was done in her own handwriting on a yellow piece of legal paper. I did over strenuous objection of counsel on the other side, who was Mr. Boston. I overruled his objections and allowed her to present that as her motion for a new trial. I allowed her, that day, over strenuous objections from Mr. Boston to argue that case and argue that motion on her own behalf.

Mr. Stack, I assume, was back in Pulaski, peacefully practicing law and i want you to understand that that is what he did in this case and I am not going to entertain any further questions concerning that Mrs. Polyak...

MRS POLYAK: I have one question.

THE COURT: All right. Ask it.

Q.BY MRS POLYAK: Mr. Stack did you hear Mr.Boston Object---

THE COURT: I'm not going to allow that. I'll say this and I put it in the record, Mr. Boston objected strenuously, that day....

MR STACK: Your Honor, if I may... there was a long delay in the order actually being entered.

EVANS V POLYAK
ALEX POLYAK testifies. Defendant believes jury prejudiced again by Judge Hamilton when he yelled at her for about the fifth time. Page 39 40

THE COURT: Mrs. Polyak, I hate to interrupt you but I 'm interested in his testimony concerning any knowledge he has of what the issues of the

lawsuit we are here about today,is, and that is the contract with Mr. Evans(Defendant did not have a contract with Mr. Evans).... that's what you need to ask about.

MRS POLYAK: Your Honor, I would like to establish that this man is a well-respected man. He has come to Tennessee.

THE COURT: All right I'll take it--

MRS POLYAK: He has worked in the woods--

THE COURT: Mrs. Polyak, you wait just a minute when I say something.

MRS. POLYAK: Yes sir.

THE COURT: I'll take judical notice and I am sure he is a well-respected man.... Now if he knows anything about that contract, that's what I want to hear.

Evans v Polyak pages 52 53

JUDGE HAMILTON: (part of jury instruction)

Ladies and gentleman, you have heard a lot in this case about a partition suit. Now, I'm going to very briefly define for you, basically, what a partition suit is.

A partition suit is a suit that is brought by on or more o heirs to an estate. For instance if you have four children in an estate and there is left to them in equal shares, a tract of land. If they are unable to agree upon an equal division of that landthen one or more of them may file in court what is called a partition suit and ask that the land be sold and the proceeds of the sale divided equally among the heirs, and that is what a partition suit means.

On side says,"we can't divide it, equally any way except to sell it and divide the money, equally. The other side says,"No that's not true. We think we can divide the land up and give an equal portion of the land, so that is basically what a partition suit means..... (The Judge reads from a red book defining the law on agency, which the Court reporter left out of the transcript).

.....

Although desperately ill with bronical and heart problems, Defendant was obligated to appear at this trial on short notice, without knowledge of law or any preparation and try to defend her constitutional right to an additional forty(40) acres of property the Circuit Court Clerk was holding a copy of the deed. She and her husband werexequired to both sign a bond. Defendant believes Judge Hamilton influenced this jury, and there are many more examples in this transcript.

On December 26, 1984, Defendant checked Notice of Nonsuit in Circuit Court Case Nos. 10611, Earlene Polyak v William Boston, Boston Bates & Holt, and 10612, Earlene Polyak v Thomas Stack, Henry Henry & Stack, and found what appears to be objections to the sale of her property in Chancery Court on Circuit Court Cases with orders to pay costs case with execution.

Defendant submitted Notice of Nonsuit of Nonsuit on August 31, 1984, and she was finally able to contact Judge Hamilton on October 31, 1984. In this telephone conservation, Judge Hamilton stated that he had signed an order dismissing all of her cases in Lawrence County.

CIRCUIT COURT OF LAWRENCE COUNTY,TENNESSEE

EARLENE POLYAK
Plaintiff

VS CIVIL ACTION NO.10611

WILLIAM BOSTON
BOSTON BATES & HOLT

NOTICE OF NONSUIT

Plaintiff Earlene Polyak, pursuant to Rule 41.01, Tennessee Rules of appellate Procedure, hereby give notice of nonsuit without prejudice in Civil Action No. 10611, filed against William Boston Boston Bates & Holt on July 27, 1984, to Plaintiff refiling cause of Action.

Date: August 31, 1984

Signed Earlene Polyak
Earlene Polyak
3179 Middlefield Drive
Trenton, Michigan 48183

IN THE CIRCUIT COURT OF LAWRENCE COUNTY,TENNESSEE

EARLENE POLYAK
Plaintiff

vs No. 10611

WILLIAM BOSTON
BOSTON BATES & HOLT

O R D E R

This cause came on to be heard andwas heard on the 9th day of October, 1984, before the Honorable Jim T. Hamilton, Circuit Judge on motion of the Plaintiff for this Court to enjoin the sale of certain real estate , which was recently ordered sold from a partition suit which was heard in Chancery court in Lawrence County, Tennessee.

The chancery Court heard proof, ordered the real estate sold for partition. the plaintiff appealed this decision to the Court of Civil Appealswhere the decision of Chancery was upheld. The plaintiff then petitioned the Supreme Court of Tennessee for Certorari, and this was denied.

It is therefore Ordered, by this Court that the motion of the plaintiff for this Court to enjoin the sale of this real estate for partition be dismissed. It is further ordered that the cost of this casebe adjudicatedagainst the defendant for which execution may issue if necessary.

This the 9th day of October, 1984.

Signed Jim T. Hamilton
Circuit Judge

APPROVED FOR ENTRY:

EARLENE POLYAK PLAINTIFF

WILLIAM BOSTON DEFENDANT

II) CIRCUIT COURT OF LAWRENCE COUNTY, TENNESSEE

EARLENE POLYAK
Plaintiff

VS CIVIL ACTION NO. 10612

THOMAS STACK
HENRY HENRY & STACK
Defendant

NOTICE OF NONSUIT

Plaintiff Earlene Polyak, pursuant to Rule 41.01, Tennessee Rules of Civil Procedure, hereby gives notice of nonsuit without prejudice, in Civil Action No. 10612, filed against Thomas Stack Henry Henry & Stack on July 27, 1984, to Plaintiff refiling of cause of action.

Date:August 31, 1984.

Signed Earlene Polyak
Earlene Polyak
2179 Middlefield Drive
Trenton, Michigan 48183

IN THE CIRCUIT COURT OF LAWRENCE COUNTY, TENNESSEE

EARLENE POLYAK
Plaintiff

VS No. 10612

THOMAS STACK
HENRY HENRY & STACK

O R D E R

This cause came on to be heard and was heard

on the 9th day of October 1984, before the Honorable Jim T. Hamilton, Circuit Judge on the Motion of the Plaintiff for this Court to enjoin the sale cd certain real estate, which was recently ordered sold from a partition suit which was heard in the Chancery Court fro Lawrence County, Tennessee.

The Chancery Court heard proof, and ordered the real estate sold for partition. The plaintiff appealed this decision to the Court of Civil Appeals, where the decision of the Chancery was upheld. the plaintiff then petitioned the Supreme Court of Tennessee for Certiorari, and this was denied.

It is therefore Ordered, by this Court that the Motion of the plaintiff for this Court to enjoin the sale of this real estate for partition be dismissed. It is further Ordered that the cost of this case be adjudicated against the defendant for execution may issue if necessary.

Signed Jim T. Hamilton
CIRCUIT JUDGE

APPROVED FOR ENTRY:

EARLENE POLYAK PLAINTIFF

THOMAS STACK
HENRY HENRY and STACK

Defendant was not in this Court on October 9, 1984. She did not arrive to appeal Case No. 10647, Buford Evans v Earlene Polyak until about 1:30P.M. on October 10, 1984.

On February 4, 1985, Defendant received the Transcript of the Proceedings in Case No. 10647 Buford Evans V. Earlene Polyak. Judge Hamilton did not enter the judgment in the Circuit Court to be appealed to the Court of Appeals of Tennessee.

On May 3, 1985, the Court of Appeals denied Application for Permission to Appeal.

COURT OF APPEALS OF TENNESSEE
MIDDLE SECTION AT NASHVILLE

BUFORD EVANS
Plaintiff-Appellee

VS

EARLENE POLYAK
Defendant-Appellant

O R D E R

The defendant, Earlene Polyak, has filed with this Court an application for extraordinary appeal. Said application complains of various actions of the Trial Judge during a trial, but does not designate, describe or exhibit a copy of any order or judgment of the Trial Judge.

There is no showing of why an appeal as of right or appeal by permission is not avialable to applicant.

It is therefore ordered that said application for extraordinary appeal be denied.

ENTER MAY 3, 1985 Signed by Judges

HENRY F TODD
PRESIDING JUDGE

SAMUEL L. LEWIS

BEN H. CANTRELL

WILLIAM C. KOCH JR.

Application for Rehear of Application for Permission to Appeal was denied on May 17, 1985 by the above named Judges of the Court of Appeals of Tennessee.

Application for Permission to Appeal to the Supreme Court of Tennessee was denied, 8/26/85 but Judge

Hamilton signed Judgment on August 7, and Amended Judgment on August 22, 1985.

STATE OF TENNESSEE
CIRCUIT COURT OF LAWRENCE COUNTY

In the Circuit Court for Lawrence County, Tennessee
Civil Action No. 10647

BUFORD EVANS & SONS
Plaintiffs

v

NOTICE OF APPEAL

EARLENE POLYAK
Plaintiff

Notice is hereby given that Earlene Polyak, defendant above named, hereby appeals to the COURT OF APPEALS OF TENNESSEE, from the final judgment entered in this action on the 7th day of August 1985, and the amended judgment signed on the 22nd day of August 1985, by the Honorable Jim Hamilton.

Signed Earlene Polyak
Earlene Polyak
3179 Middlefield Drive
Trenton, Michigan 48183
(313) 676-3364

Date: August 29, 1985

Defendant submitted parts of the Record to be included on Appeal and Issues to be presented with certificate of service. Issues :

1. Whether Judgment should be set aside as a result of Judge Hamilton's treatment of Appellant before the jury, prejudicing the decision maker and the judicial process.

2. Whether Judge Hamilton should have obligated Appellant to defend herself without counsel while acutely ill and against letters of physicians verifying illness, and Judgment should be set aside.

3. Whether Appellant obligated to pay Buford

Evans for measuring property that had already been appraised, when he did not have her permission and she did nto have knowledge of his measuring her property,and no contract with him, and decision should be set aside.

4. Whether Buford Evans possessed valid Suveyor's License and measurement of property according to scale, accurate discription of land, and decision should be set aside.

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing description of papers, parts of transcript, and issues to be appealed has been mailed to all parties of interest in this pleading.

On September 9, 1985

Signed Earlene Polyak

COPY MAILED TO:
Mr. Larry Brandon
Attorney at law
Mufreesboro, Tennessee 37133

Mr. Ramsey Leathers Clerk
100 Supreme Court Building
Nashville, Tennessee 37219

COURT OF APPEALS
STATE OF TENNESSEE
NASHVILLE 37219

September 9, 1985

Dear Counsel:

RE: BUFORD EVANS
VS
EARLENE POLYAK

We are returning herewith the copy of the notice of appeal forwarded to this office in the above case.
An amendment to Rule 5(a) of the Tennessee Rules of Appellate Procedure effective August 15, 1984, deleted the requirement that a copy of the notice of appeal be filed with the clerk of the appellate court.

Signed Ramsey Leathers
Ramsey Leathers, Clerk

Letter closing case:

October 1, 1985

Mrs. Earlene Polyak
3179 MIddlefield Drive
Trenton, Michigan 48183

RE: Buford Evans vs
Earlene Polyak
Civil Action #10647

Dear Mrs. Polyak:

We received an Order which was entered on September 30, 1985, denying your Petition to Rehear the Denial of the application for permission to appeal.

We therefore consider this case closed until we hear differently from the Supreme Court.
Sincerely yours,
Signed Gerald Wilson
Circuit Court Clerk
cc. Judge Jim T. Hamilton
Judge James L. Weatherford
Buford Evans
Larry D. Brandon

Defendant tried to explain that application to appeal should not effect appeal as a right, and that notice of appeal was properly before the Court. Judge Hamilton denied request for restraining order against the sale of property.

IN THE CIRCUIT COURT OF LAWRENCE COUNTY, TENN

BUFORD EVANS & SONS
Plaintiff

vs CIVIL ACTION NO.10647

EARLENE POLYAK
Defendant

O R D E R

This case came on to be heard and was heard on the 17th day of October, 1985, before the

Honorable Jim T. Hamilton, Circuit Judge.

It appeared to the court that the Motion of the Defendant is not well taken and should not be granted.

It is therefore ORDERED that the Motion for a Restraining Order is hereby denied.

This 17th day of October, 1985.

Signed Jim T. Hamilton
Jim T. Hamilton
CIRCUIT JUDGE

Defendant submitted a motion to forward the records for appeal in Case No. 10647, to the Circuit Court of Lawrence County, Tennessee on November 1, 1985. Judge Hamilton denied this motion:

IN THE CIRCUIT COURT OF LAWRENCE COUNTY, TENN

BUFORD EVANS & SONS

vs CIVIL ACTION NO: 10647

EARLENE POLYAK

O R D E R

This case came on to be heard and was heard before the Honorable Jim T. Hamilton, on plaintiffs Motion to Forward records of this case from the Circuit Court of Lawrence County, Tennessee to the Court of Civil Appeals.

IT IS ORDERED by the Court that Plaintiff's Moton be denied.

This 7th day of November, 1985.

Signed Jim T. Hamilton
JIM T. HAMILTON
CIRCUIT JUDGE
PART 1

APPENDIX B

In the United States District Court, Middle District of Tennessee.

Buford Evans & Sons, Plaintiffs v. Earlene Polyak, Defendant. Case No. 1:85-0120

Petition for Removal filed on November 12, 1985, with copies of proceedings, issues, parts of the record, Request for restraining order against sale of property copy of partial transcript of proceedings, Notice of petition for removal to Mr. Gerald Wilson Circuit Court of Lawrence County, and to Mr. Larry Brandon, Attorney for Mr. Evans, and Removal Bond. Jury Trial Requested.

Bond: Earlene Polyak was not allowed to appeal to Circuit Court by Mr. Gerald Wilson, Circuit Court Clerk, until she went to County Court and brought copy of deed to additional forty(40) acres to him on October 10, 1984.Mr. Alex Polyak was also required to sign Bond on December 26, 1984, Case No. 10647.

Dismissed: November 27, 1985,within 20 days without oral argument or any kind of hearing.

Presiding: The Honorable Thomas A Wiseman Jr.

SUMMARY

The United States District Court was petitioned

for removal of the above styled civil action on the ground that Petitioner has been denied by state court proceedings her rights secured and guaranteed to her by laws providing for equal civil rights if citizens of the United States by the Fifth and Fourteenth Amendments. Such denial continues to occur in that Petitioner has been denied due process and equal treatment and the constitutional right to a fair trial and appeal as a right in the Circuit court of Lawrence County. The deprivation of her right to her property is irreparable damage and loss of a right to never be regained to her property.

After The Honorable Jim Hamilton denied Defendant's motion to forward the records in this case to the Court of Appeals of Tennessee, she filed a complaint against Jim Hamilton, Individually and in his judicial capacity, Jointly and Severally and the Circuit Court of Lawrence County, Tennessee, Case No. 1:85-0116, on November 8, 1985. She submitted the petition to remove Buford Evans & Sons Case No. 10647, from the Circuit Court of Lawrence County,Tennessee and to join to Case against Jim Hamilton and Circuit Court of Lawrence

ounty pursuant to 28 USC 1441(c). District Court

ase No. 1:85-0120, Buford Evans & Sons v Earlene

olyak was filed on November 12, 1985.

CIVIL COVER SHEET

Plaintiffs	Defendants
BUFORD EVANS & SONS 233 East Gaines St. P.O. Box 190 Lawrenceburg, Tennessee 38464	EARLENE POLYAK 3179 Middlefield Drive Trenton, Michigan 48183

Attorney
Larry Brandon
P.O. Box 5065 Uptown Station
Murfreesboro, Tennessee 37133

CAUSE OF ACTION
Deprivation of Civil and Constitutional Rights
provided in the Fifth and Fourteenth Amendments

(Reverse Side)

Date 11/8/85

The above case is being petitioned for removal from the Circuit Court in Lawrence County, Tennessee in conjunction with Complaint against Jim T. Hamilton, Individually and in his judidial capacity, Jointly and severally, and the Circuit Court of Lawrence County, which was submitted to this Court on November 7, 1985.

Appellant alleges that her Civil and Constitutional Rights as provided by the Fifth andFourteenth Amendments have been violated as the result of denial of right to appeal as stated in Tennessee State Laws, and the Federal Laws of the United States.

CAUSE OF ACTION

Appellant believes that the denial of right to appeal is deprivation of Civil and Constitutional Rights guaranteed by the Fifth and Fourteenth Amendments.

Complaint No. 1:85-0116 was dismissed within

five days of filing on November 13, 1985, follows:

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

Received for Entry
November 13, 1985

EARLENE POLYAK
VS
JIM T. HAMILTON, Individually
and in his judicial capacity as
Circuit Judge, Jointly and severally
and the CIRCUIT COURT OF LAWRENCE
COUNTY

ORDER

For reasons stated in the Memorandum contemporaneously filed herewith, the application for extraordinary relief is denied and the case is dismissed on the Court's own motion. No process shall issue but a copy of this memorandum will be mailed to defendants.

Plaintiff Polyak is expressly enjoined from filing any further actions in this Court regarding partition for sale of property in Lawrence County wihtout express permission of this Court.

Signed Thomas A Wiseman
THOMAS A. WISEMAN JR.
CHIEF JUDGE

The above styled case was dismissed within five days including a week end after filing with out oral argument or any kind of hearing. Judge Wiseman issued an injunction against Defendant filing further cases in the United States District Court.

Case No. 1:85-0120, Buford Evans v Earlene was dismissed within 14 days after filing with out oral argument or any kind of hearing. Defendant was afraid to submit Petition to Rehear,wrote letters.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISRTICT OF TENNESSEE
Entered Nov 26, 1985

FORD EVANS & SONS

Civil Action No.1:85-0120

ARLENE POLYAK

ORDER

Before this Court is the pro se Petition for emoval of Suit for property survey", filed by arlene Polyak. Thise fifth (fourth) under ifferent headings but all dealing with Mrs. Polyak's isatisfactionwith a state court action in Lawrence ounty in a partition suit. Here she seeks to emove a suit brought by a surveyor to collect his ees. The Court has dismissed prior actions, and as enjoined Mrs. Polyak from attempting to eligiiate this matter in this Court, and from iling any further suits arising out of the artition suit.

This cas is another mistaken effore on Mrs. lcyak's part. Because it was lodged before the ourt issued its injunction, it is not subject nereto.

This case is not removable for several reasons.

1. 28 USC 1446(b) requires petition for emoval to be filed within 30 days after receipt y the defendant of the initial pleading set forth ne claim for relief upon which processing is ased. Suit wa s filed in Lawrence County General essions Court, and Mrs. Polyak encloses a letter o her dated August 20, 1984 from the Secretary of tate notifying her of suit with an appearance ate of September 20, 1984. Other pleadings indicate ne received initial pleading for removal filed ovember 12, 1985, and is therefore untimely over year.

2. The suit for a debt allegedly due Evans n the amount of $475.00 .Jurisdiction of this Court n removal petition is governed by 28 USC 1441(a) ases in which this Court would have orginial urisdiction. although Mr. Evan's suit against Mrs. olyak is between citizen's of different states ne amount in controversy is the amount Mr. Evans sued for $475.00 not amount Mrs. Polyak claims to have lost by adverse judgment of th court in

the partition suit. A counter-claim cannot supply the necessary prerequisite of $10,000.00 amount in controversy 28 USC 1332.

3. The petition must verified. It is not.

4. The petition must contain a copy of the process and pleadings served upon her 28 USC 1446. It does not.

5. The petition must be accompanied by a bond with "good surety". There is not surety on Mrs. Polyak's bond.

This petition is dismissed and the case remanded to the Circuit Court of Lawrence County. Mrs. Polyak is cautioned to seek legal advice before filing further frivilous suits.

Signed Thomas A. Wiseman Jr.
THOMAS A WISEMAN JR
CHIEF JUDGE

The above case is only the fourth one filed in the District Court in an attempt to seek diversity of citizenship and the protection from the local influence and prejudice. It appears the same prejudice. Defendant found that this case could be appealed despite remand under 1443(1) and 1443(2). It is her opinion that the invalid map which she believes was composed at her expense for the sale of her property at Public Auction would allow waive of time under 60.02 FRCP. Case Nos. 10611, Earlene Polyak v William Boston, Boston Bates & Holt,(D.C. 3-95X-105, which was denied filing) 10612, Earlene Polyak v Thomas Stack, Henry Henry & Stack (D.C. No. 1:0125, was filed by Judge Wiseman) were all joined to United States District Case No. 1:85-0116 v. Jim Hamilton 28 USC 1441(c)

NOTICE OF APPEAL TO A COURT OF
APPEALS FROM AN ORDER
OF A DISTRICT COURT

ited States District Court for the Middle District of Tennessee, File No. 1:85-0120

FORD EVANS & SONS
Plaintiff

FILED Dec 9,1985

NOTICE OF APPEAL

RIENE POLYAK
Defendant

Notice is hereby given that Defendant above amed appeals to the United States Court of Appeals r the Sixth Circuit from the final order denying emoval of the above-entitled civil action from e Circuit Court of Lawrence County on the ground at she has been denied by such State Court roceedings her rights guaranteed to her by the ws providing fot equal civil rights of citizens the United States, and such denial continues to cur in that she has been denied appeal in the rcuit Court and the District Court has denied e right to be heard on November 26, and entered to the record on November 27, 1985.

ate: 12/6/85

Signed Earlene Polyak
Earlene Polyak
3179 MIddlefield Drive
Trenton, Michigan 48183
(313)676-3364

Presently residing at:
4063 Hood Road
Lake Park, Florida 33418
(305) 627-3564

APPENDIX C

In the United States Court of Appeals for the Sixth Circuit.

Buford Evans & Sons, Plaintiff-Appellee v. Earlene Polyak, Defendant- Appellant Case No.85-6315. District Court No. 1:85-0120.

Notice of Appeal filed December 9, 1985.

Appeal dismissed after extension of time to prepare appeal granted due to Appellant's health problems, and after conservation between Case Supervisor and Appellee's lawyer.

Letter from Mr. Larry Brandon dated February 21, 1986, to Mrs. Yvonne Henderson.

Appeal dismissed before allowing brief and Appendix on March 7, 1986.

Rehear denied on May 12, 1986.

Motion to stay mandate denied on June 13, 1986.

Before: KENNEDY, CONTIE and RYAN, Circuit Judges.

Notice of Appeal to the Supreme Court of the United Stated received by the United States Court of Appeals on June 6, 1986.

Appellant appealed the final order dismissing the petition to remove the above case from the Circuit Court of Lawrence County on the ground that she had been denied buy State Court proceedings her rights guaranteed to her by the laws providing for equal civil rights of citizens of the United States, and such denial continues to occur in that she had been denied appeal as a right to this case, which was properly before the Court, by Judge Hamilton denying the order to forward the record to the Court of Appeals of Tennessee, on November 7, 1985.

Appellant placed Complaint No. 1:85-0116, against Judge Hamilton and joined this case No. 1:85-0120 by 28 USC 1441(c) ... is joined with on or more claims or causes of action, the entire case may be removed to District Court. She had already been granted a thirty day extension of time due to illness, had just mailed briefs on Case No. 1:85-0116, and was starting the brief in this case when she received a copy of a letter confirming a conservation between Mrs Yvonne Henderson Case Supervisor, and Mr. Evans lawyer, Mr. Larry Brandon, and dismissal of the case

Law Office of

LARRY DOUGLAS BRANDON
528 North Walnut Street
Mufreesboro, Tennessee 37133-5065
(615) 890-8517

February 21, 1986

Mrs Yvonne Henderson
United States Court of Appeals
Sixth Circuit
U.S. Post Office & Courthouse Building
Cincinnati, Ohio 45202

Re:Case No 85-6135
Buford Evans et al
vs Earlene Polyak
District Court No.
85-0120

Dear Mrs Henderson:

This letter will confirm our conservation of Friday February 21, 1986 whereby I indicated that I have no intention in participating in the appeal of Mrs. Polyak to the United States Court of Appeals. Please enter this letter for the record. Thanks for your cooperation. I am,

Sincerely,
Larry D. Brandon

cc: Earlene Polyak
4063 Hood Road
Lake Park, Florida 33418

Mr. Buford Evans
P.O. Box 190
Lawrenceburg, Tennessee 38464

When Appellant stated that Mr. Brandon had not been relieved as according to Court rules, she stated that they were not going to force any attorney to appeal case. Prior to this, Mrs. Henderson had stated that appeal could not be sonsolidated with No. 1:85-0116, and dismissal of this case followed

n disregard of Local Rule 8(a) case was dismissed

or jurisdiction after 10 days of filing without

notion being served on Appellant, as follows:

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

BUFORD EVANS & SONS Mar 7 1986

Plaintiff-Appellees

vs ORDER

EARLENE POLYAK

Defendant- Appellant

BEFORE: KENNEDY, CONTIE and RYAN, Circuit Judges

This appeal has been referred to this panel pursuant to Rule9(a) Sixth Circuit.

Appellant has appealed from the November 26, 1985, order remanding the removed action to state court. The action was remanded becausw removal petition did not comply with 28 USC 1446 because it was not filed within 30 days, the amount in controversy was less that $10,000.00, the petition was not verified, the required state court pleadings were not filed and no bond with surety was filed. This was a remand pursuant to 1447(c) which is not reviewable or otherwise.. In Re Romulus Commnuity Schools, 729 F 2d 431(6th Cir. 1984) The Court is without jurisdiction to entertain appea;.

It is ORDERED that the appeal be and hereby dismissed Rule 9(d)(1) Rules of the Sixth Circuit.

ENTERED BY ORDER OF THE COURT

Signed John P. Helman
Clerk

ISSUED AS MANDATE 6/13/86

Mrs Henderson allowed Appellant to submit

Petition to Rehear. Appellant appealed on being

being denied civil and constitutional rights and appeal as a right which is supported by Tennessee law, and case was joined to 1:85-0120 in District Court under diversity of citizenship and properly before the United States District Court by 28 USC 1441(c). She appealed under 28 USC 1443(1), and under 28 USC 1447(d), which states ... except that an order remanding a case to the State Court from which it was remived pursuant to 1443 of this title shall be reviewable by appeal or otherwise. Appellant believes that the invalid map and the survey of her property without knoledge or permission and the fact that this information can be used for sale at her expense at Public Auction allows for waiving time under 60.02 FRCP.

Aopellant believes that this Petition to Rehear was taken before the same panel and it appears that rehear was not even considered by the Court. She learned that order written in District Court, and the record containing all of materials of evidence was never forwarded to Court of Appeals. It is stated on the form of return from Court of Appeals that record was never forwarded in this case. Appellant still has docket sheet, brief due3/3

UNITED STATES COURT O
FOR THE SIXTH CI

BUFORD EVANS AND SONS

Plaintiff-Appellees

vs

EARLENE POLYAK

Defendant-Appellant

Before: KENNEDY, CONTIE and Ryan

The within matter came on
petition for rehearing submitted
panel has further reviewed the p
and concludes that the issues ra
for rehearing were fully conside
submission and decision of this
the petition for rehearing is DE

ENTERED BY OR
Signed John P
Clerk

Appellant would like to re
was not allowed to submit main b
as case was dismissed and she wa
this petition to rehear.

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

BUFORD EVANS & SONS
Plaintiff /Appellees

RECEIVED JOHN P HELMAN
JUNE 6, 1986

VS

APPEAL NO 85-6133
District Nc.1:85-0120

EARLENE POLYAK
Defendant/Appellant

NOTICE OF APPEAL TO THE
SUPREME COURT OF THE UNITED STATES

Notice is hereby given that Appellant Earlene Polyak, appeals to the Supreme Court of the United States from the final order of this Court affirming the decisions below entered on May 12, 1986.

On the 5th day of June, 1986.

Respectfully submitted,

Earlene Polyak
3179 Middlefield Drive
Trenton, Michigan 48183

CERTIFICATE OF SERVICE

I certify that a true and exact copy of this Notice of Appeal has been mailed, First Class Postage prepaid , to the United States District Court, 800 Courthouse, Nashville, Tennessee 37209, the Circuit Court of Lawrence County, Lawrenceburg, Tennessee 38464, and Mr. Larry Brandon, Attorney at Law P.O. Box 5065 Uptown Station, Mufreesboro, Tennessee 37133-5065.

On the 5th day of June, 1986.

Signed Earlene Polyak

The above notice of appeal was timely submitted by Express Mail and later returned by Mrs. Henderson. Appellant zeroxed dated copy and returned to Court.